UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HAYES, SOLOWAY P.C.
130 W. CUSHING STREET
TUCSON, AZ 85701

EXAMINER
BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1 - 22* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1 - 22* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>09 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *1* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

are *RB*

2.   Claims 19 - 22 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

These claims to a data processing-related invention do not meet any of the four statutory classes of invention: process, machine, manufacture or composition of matter.

Specifically, claims 19 – 20 recite "[e]lectronic signals for use in the execution of a computer of a method for…". However, the "signals" are not claimed as being associated, within the body of the claim, with any "real world" process steps or machine components, and the claims are therefore directed, simply, to the information content of those "signals", which do not qualify under the 4 statutory classes.

Claims 21 – 22 recite a "computer program product for use in the execution in a computer of a method for…", with nothing more than a series of "module" components. In this instance, there is nothing within the body of the claim that incorporates anything beyond function-oriented information. Thus, these claims are merely directed to a computer program *per se*, and this also does not conform to PTO guidelines in interpretation of 35 USC 101 statutory subject matter.

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tervo ("Tervo"; US #2002/0036620 A1) in view of Samsung Electronics Co. Ltd.

("Samsung"; EP #1 107 544 A2).

As per independent claim 1's "shortcut key manager for managing shortcut key

assignment", Tervo's ACCESSING SCREEN FIELDS, FUNCTIONS AND PROGRAMS

is also shown as USING A SIMPLE SINGLE KEY STROKE. As an example, a user by

selecting a single keystroke may automatically place the cursor in a desired field on an

active screen or execute another function or screen (Abstract). In developing Keystroke

Database 20 (figs 1, 2; paragraphs 0022 – 0024), Tervo teaches that "a non-command

user interface item type" is identified: depending upon which screen is active at the

particular moment, the specific keystrokes access categories in several instances of

functions or fields that use the character entered after the ALT key. In fig 2, ALT C, for

example, the various "C" items Company Name, Client Add, CampaignManager, or

Client are variously mapped. Thus, when "a shortcut key handler" is used in Tervo, "an

instance of the non-command user interface item" belonging to an identified "type" will

result in "presenting an instance" of that "user interface item". By so doing, a Tervo user

can quickly and simply position the cursor on a screen, change screens, and execute

functions (paragraph 0021).

Tervo, while identically disclosing keystroke mapping to groups of related

functions for different interface screens, does not **explicitly** teach the initial

"assignment" tools that are a part of claim 1: the "item receiver", "key receiver" and

"assignment handler", though such are indirectly suggested in the existence of a Tervo

keystroke assignment as is used.

However, Samsung's Method of defining soft-keys for user selection of desired

functions provides for defining the hot keys used to immediately initiate desired

functions by the user (Abstract). Specifically, Samsung teaches displaying a plurality of

main menu items, sub-menu items, and displaying the keys used for the hot keys, and

selecting one of the key as a hot key assigned to the at least one sub-menu (see also

paragraphs 0005, 0012 – 0016).

Thus, it would have been obvious to a person having ordinary skill in the art at

the time of applicant's invention to provide a Samsung-style selection interface to

associate Tervo's categorized keystrokes with their contextual screen operations, the

motivation being to allow better user customization of the interface and a straightforward set-up procedure for the Tervo <u>Keystroke Database</u>.

As per claim 2's "setting a user control focus to the non-command user interface item" (see also claim 11), it has already been noted that Tervo can <u>position the cursor on a screen</u>, and thus direct focus. Since <u>fields</u> may be accessed in Tervo, Tervo "sets a keyboard focus" (claims 3, 12) as well.

Tervo, in calling forth the assorted screen "instance" items, is capable of "controlling display of a window with an instance of the non-command user interface item" (claims 4, 13), in that additional dialogues may be opened, using the "shortcut key" mnemonics. Then, when the <u>cursor</u> appears at a <u>position</u>, Tervo teaches "displaying the window at a current cursor location" (claims 5, 14), and when this "window" is finished with its task, "a window closing unit" will be employed, as in claims 6, 15 (see Tervo, figs 5, 6).

As in the example of <u>ALT C</u>, Tervo further shows that "the shortcut key comprises one or more key strokes" (claims 7, 16), and prior to invocation of the interactive focus placement, Tervo's "non-command item is not visual when it is not selected" (claim 8).

Independent claim 9 is similar to independent claim 1 and is rejected using Tervo in view of Samsung using a similar line of reasoning. The claim is broader in that the presentation of an "instance" is not part of the recitation (as appears in dependent claim 10), but the overall "managing" of "shortcut key assignment" between an "item" and "a

key" is suggested by the combination of Tervo's <u>keystrokes</u>, when set by a Samsung-style originating interface.

Independent claims 17, 19, 21 are rejected using a line of reasoning similar to that applied above in the rejection of claim 9. Claims 18, 20, 22 are rejected for reasons similar to those presented for the rejection of claim 10.

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining prior art references indicated on the attached form PTO-892 relate to the assignment of functionality to keys on a keyboard.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM.

8.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

9.   Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173
16 August 2004